



proud past, promising future

## DEPARTMENT OF COMMUNITY DEVELOPMENT

---

### 1 INTRODUCTION

2 The Biannual Code Changes are bringing forward 33 proposed code amendments to be  
3 considered.

4  
5 These proposed amendments can be categorized as:

- 6  
7 • Technical amendments that address inconsistent or ambiguous wording or  
8 amendments to correct inadvertent changes or errors made during the Title 40  
9 project.
- 10  
11 • Refinement amendments that clarify existing language to facilitate daily use and  
12 improve readability of land use regulations.
- 13  
14 • Minor policy amendments that either address ongoing problems with the  
15 administration of the regulations or better implement county policies.
- 16

17 These proposed amendments were collected while working on the development of Title  
18 40, in using Title 40 after its adoption, as well as from suggestions from other internal  
19 sources.

### 20 21 BACKGROUND

22 The background of each code change is discussed individually in the analysis sections  
23 below.

1  
2  
3 **ANALYSIS**  
4

5 **1) Continuance Fee Change in Title 2**  
6

7 **Change Category:** Technical  
8 **Code Citation:** 2.51.120  
9

10 **Background:**

11 The Board recently adopted new development review fees under Title 6. Under  
12 Title 2 a fee for a hearing continuance is listed. To avoid ambiguity staff  
13 recommends removal of the fee reference for the continuance under Title 2 and  
14 direct it to Title 6.  
15

16 **Proposed Change:**

17 “Once legal notice has been given, no matter shall be postponed over the  
18 objection of any interested party, except for good cause shown. Continuances  
19 may be granted at the discretion of the examiner; PROVIDED, the interested  
20 parties in attendance shall be given an opportunity to testify prior to the  
21 continuance. The applicant shall pay the fee amount identified in CCC  
22 6.110A.010 ~~an amount equal to one-half the original application fee~~ for any  
23 hearing postponed or continued by request of the applicants after legal notice  
24 has been given; PROVIDED, that this requirement shall not apply where the  
25 request is based upon new information presented at the hearing.”  
26

27 **2) Concomitant Rezone Agreement**  
28

29 **Change Category:** Technical  
30 **Code Citation:** Table 6.110A.010(2)(G)  
31

32 **Background:**

33 A “rezone concomitant agreement release” is a form of covenant release. In  
34 order to provide clarification staff is proposing to add these terms to the covenant  
35 release section of Title 6.  
36

37 **Proposed Change:**  
38

|   |  |         |
|---|--|---------|
| G | Covenant ( <u>including rezone concomitant agreement</u> ) Releases - Full and Partial | \$1,070 |
|---|--|---------|

### 3) Setback Exemption for Open Porches and Stoops

**Change Category:** Technical  
**Code Citation:** 40.200.070(A)

**Background:**

This code section sets out exceptions for yard setbacks that were previously amended in January 1998 when a provision allowing for porch and stoop landings was deleted. The Uniform Building Code (UBC) requires a minimum three (3) foot landing area for these porch and stoop landings. Therefore, in order to provide consistency between the CCC and UBC, a Management Decision (MD-DS1005) was created to allow these features as follows:

*“This is not to be construed as prohibiting open porches or stoops, not exceeding eighteen (18) inches in height, and not approaching closer than eighteen (18) inches to any lot line.” (emphasis added)*

With the Title 40 project this management decision was adopted as current practice and placed in 40.200.070(A). However, it was placed under the exception for “front” setbacks only and it should apply to all setbacks.

**Proposed Change:**

Apply setback exemption for open porches and stoops to 40.200.070(A) to apply to all setbacks and remove the specific citation under 40.200.070(A)(3).

40.200.070(A)(3)

Front Setback. Fire escapes, open-uncovered porches, balconies, decks, landing places, outside stairways or fireplaces may project not more than six (6) feet into the required front setback. ~~This is not to be construed as prohibiting open porches or stoops, not exceeding eighteen (18) inches in height, and not approaching closer than eighteen (18) inches to any lot line.~~

40.200.070(A)(6)

Open porches or stoops, not exceeding eighteen (18) inches in height, and not approaching closer than eighteen (18) inches to any lot line.”

### 4) Cross Reference Citation for Churches in Single-Family Residential Zones

**Change Category:** Technical  
**Code Citation:** Table 40.220.010-1(4)(a)

**Background:**

The cross reference to special uses for churches under the zoning table was not added as part of Title 40.

**Proposed Change:**

Add cross reference to table.

Table 40.220.010-1(4)(a)

|             |   |   |   |   |   |                   |
|-------------|---|---|---|---|---|-------------------|
|             |   |   |   |   |   |                   |
| a. Churches | C | C | C | C | C | <u>40.260.070</u> |

**5) Cross Reference Citation for PUD's in the Residential Districts**

**Change Category:** Technical

**Code Citation:** Table 40.220.020-1(1)(n)

**Background:**

The cross reference to uses permitted subject to review and approval for single-family detached dwellings under the zoning table was not added as part of Title 40.

**Proposed Change:**

Table 40.220.020-1(1)(n)

|                                    | R-12 | R-18 | R-22 | R-30 | R-43 | OR-15 | OR-18 | OR-22 | OR-30 | OR-43 |                                    |
|------------------------------------|------|------|------|------|------|-------|-------|-------|-------|-------|------------------------------------|
| n. Residential P.U.D. over 6 acres | R/A  | R/A  | R/A  | R/A  | R/A  | R/A   | R/A   | R/A   | R/A   | R/A   | <u>40.560</u><br><u>40.520.080</u> |

**6) Cross Reference Citation for Detached SFR's in the Residential Districts**

**Change Category:** Technical

**Code Citation:** Table 40.220.020-1(1)(q)

**Background:**

The cross reference to uses permitted subject to review and approval for single-family detached dwellings under the zoning table was not added as part of Title 40.

**Proposed Change:**

Table 40.220.020-1(1)(q)

|                                     | R-12 | R-18 | R-22 | R-30 | R-43 | OR-15 | OR-18 | OR-22 | OR-30 | OR-43 |                   |
|-------------------------------------|------|------|------|------|------|-------|-------|-------|-------|-------|-------------------|
| q. Single-family detached dwellings | R/A  | R/A  | R/A  | R/A  | R/A  | R/A   | R/A   | R/A   | R/A   | R/A   | <u>40.520.020</u> |

## 7) Setback Exemption for Non-Conforming Lots

**Change Category:** Technical  
**Code Citation:** 40.220.070(D)

### **Background:**

This proposed amendment will correct an inadvertent error created by the Title 40 reorganization. The previous code allowed legal lots, which were smaller than the underlying zoning designation, to use the setbacks for the zone they more closely corresponded to in size. This section stated:

Previous code section 18.411.050(C)(2)

*“Any single-family residential lot of record under the provisions of Section 18.104.490, which has a smaller width or lot depth than that required by this title, may use that residential zoning classification which most closely corresponds to the dimension or dimensions of the lot of record, for the purpose of establishing setbacks from the property lines.”*

In section 40.220.070(D) “single-family residential” was erroneously restricted to (R1-5, R1-6, R1-7.5, R1-10, R1-20).

The current Title 40 code section 40.220.070(D)

*“For the purpose of establishing setbacks from the property lines, any single-family residential (R1-5, R1-6, R1-7.5, R1-10, R1-20) lot of record as defined in Section 40.100.070, which has a smaller width, lot depth and/or lot area than that required by this title, may use that residential zoning classification which most closely corresponds to the dimension or dimensions of the lot of record, for the purpose of establishing setbacks from the property lines.”*

With this code change only lots within the urban area can utilize this section. The fact is they all have the same required setbacks. So using the “residential zoning classification which most closely corresponds to the dimension or dimensions of the lot of record, for the purpose of establishing setbacks” would not accomplish anything. The purpose of this section was to allow rural lots, which were legally established but smaller than the required minimum zoning standards, to reduce their setbacks to allow development on the substandard lot. When this issue was discovered (after the codification of Title 40) a Management Decision (MD-DS1028) was written to put back into affect the purpose of this code section.

### **Proposed Change:**

CCC 40.200.070.D

“For the purpose of establishing setbacks from the property lines, any residential lot of record as defined in Section 40.100.070 in the Rural (R-5, R-10 and R-20) and Urban Reserve (UR-10 and UR-20) districts, which has a smaller width, lot depth and/or lot area than that required by this title, may use that residential zoning classification which most closely corresponds to the dimension or

1 dimensions of the lot of record, for the purpose of establishing setbacks from the  
2 property lines.”  
3

## 4 **8) NAICS**

5  
6 **Change Category:** Technical  
7 **Code Citation:** Table 40.230.080-1  
8

### 9 **Background:**

10 Title 40 adopted sections 22 and 23 of the North American Industry Classification  
11 System (NAICS) that were inadvertently removed from the original adoption of  
12 the NAICS. However, the sections that were adopted were from the updated  
13 NAICS and all the other existing sections are under the 1997 NAICS. The  
14 suggested change now is to add a footnote to sections 22 and 23 noting the  
15 appropriate year to utilize under NAICS. In the future, staff will present an  
16 update that adopts the entire updated NAICS.  
17

### 18 **Proposed Change:**

19 Table 40.230.080-1 Uses  
20

21 22 Utilities<sup>10</sup>  
22

23 23 Construction<sup>10</sup>  
24

25 <sup>10</sup> The uses in these sections only are based on the 2002 NAICS.  
26

## 27 **9) Grammatical Correction – Infill Alley Access**

28  
29 **Change Category:** Technical  
30 **Code Citation:** 40.260.110(l)(5)(e)  
31

### 32 **Background:**

33 This is a grammatical correction replacing an inadvertent hyphen with a period.  
34

### 35 **Proposed Change:**

36 40.260.110(l)(5)(e)  
37

38 Alley Access. Single family attached subdivisions (creation of four (4) or more  
39 parcels for single-family attached dwellings) shall receive primary vehicle access  
40 from a rear alley if a public alley exists within or adjacent to the subdivision.  
41 Existing or new alleys on site that meet, at a minimum the standards of Table  
42 ~~40.350-030-4~~ 40.350.030-4, Infill B Private Roadway, may use the design and  
43 construction standards in Infill B Private Roadway and Drawing 18 of the  
44 Standard Details Manual. All other alleys must meet the design and construction  
45 standards of Infill A Roadways, Drawing 17 of the Standard Details Manual,  
46 regardless of the number of units, as long as a primary access road also serves  
the development site.

## 10) Retail Parking for Supermarkets

**Change Category:** Technical

**Code Citation:** Table 40.340.010-4 Minimum Required Parking Spaces By Use

**Background:**

Under Title 18 the following commercial uses seemed redundant because their parking ratios were the same:

| F. Commercial   |                                       |
|---|---------------------------------------|
| 1. Retail store except supermarkets and stores selling bulky merchandise and grocery stores, 1,500 square feet gross floor area or less | 1 space/350 square feet of floor area |
| 2. Commercial retail, 1,501 square feet or more   | 1 space/350 square feet of floor area |

So they were combined as part of the Title 40 reorganization into the following:

| F. Commercial  |                                       |
|--|---------------------------------------|
| 1. Commercial retail, except supermarkets, stores selling bulky merchandise and grocery stores | 1 space/350 square feet of floor area |

However, because there was already a use for “bulky merchandise” in Title 18 and Title 40, this combination left supermarkets and grocery stores without a parking requirement.

**Proposed Change:**

By removing supermarkets and grocery stores from the exception in the table, they can be approved under this section for parking at 1 space per 350 sq ft of floor area.

| F. Commercial   |                                       |
|---|---------------------------------------|
| 1. Commercial retail, except <del>supermarkets, stores selling bulky merchandise and grocery stores</del> | 1 space/350 square feet of floor area |

## 11) Code Citation Correction – Street and Road Standards

**Change Category:** Technical

**Code Citation:** 40.350.030(B)(5)(a)

**Background:**

This correction removes an inadvertent code citation reference and replaces it with the correct reference.

**Proposed Change:**

40.350.030(B)(5)(a)

General Requirement. Unless already fully developed to the transportation standards and subject to the limitations set forth in this section and in Sections ~~40.350.030(B)(4)~~ and 40.350.030(B)(15), and 40.550.010, a partial-width road shall be established and constructed to the applicable right-of-way or easement and improvement standards set out in Section 40.350.030 to that portion of a frontage public or private road which abuts a parcel being developed as a condition of development approval.

**12) Grammatical Correction – Plan Amendment Procedures**

**Change Category:** Technical

**Code Citation:** 40.350.030(C)(5)

**Background:**

This is a grammatical correction adding hyphens that were inadvertently left out.

**Proposed Change:**

40.350.030(C)(5)

Out-of-cycle amendments limited to the following:

**13) Grammatical Correction – Plan Amendment Procedures**

**Change Category:** Technical

**Code Citation:** 40.350.030(N)

**Background:**

This is a grammatical correction adding hyphens that were inadvertently left out.

**Proposed Change:**

40.350.030(N)

Out-of-cycle amendments.

**14) Cross Reference Citation for Erosion Control**

**Change Category:** Technical

**Code Citation:** 40.380.050(B)(6)

**Background:**

The cross reference in this citation incorrectly points to a previous section in Title 13.

**Proposed Change:**

Table 40.380.050(B)(6)

Timing of Sediment Trapping Measures. Sediment ponds and traps, perimeter dikes, sediment barriers, and other BMPs intended to trap sediment on-site shall



1 be constructed as a first step in grading. These BMPs shall be stabilized and  
2 functional before land-disturbing activities take place. Earthen structures such as  
3 dams, dikes, and diversions shall be seeded and mulched according to the timing  
4 indicated in ~~subsection D4 of Section 43.29.410~~ 40.380.050(B)(4).  
5

## 6 **15) Shorelines**

7  
8 **Change Category:** Technical  
9 **Code Citation:** 40.460.060(A)(2)  
10

### 11 **Background:**

12 Prior to the adoption of Title 40, the shoreline overlay district did not contain  
13 permit timelines. Permit timelines are dictated by WAC 197-27-090. In an  
14 attempt to make the code more cohesive and follow the same format throughout,  
15 timelines were added. These timelines were taken from this same WAC.  
16 However, WAC 173-27-090 (1) allowed a permit to be granted for longer periods  
17 of time based on a finding of good cause. This section was inadvertently  
18 omitted. This section would apply to projects that are on-going such as  
19 dredging.  
20

### 21 **Proposed Change:**

22 Staff recommends adding this provision back to the code and revising the  
23 opening sentence of CCC 40.460.060 (A)(2) to:  
24

25 Except as provided by WAC173-27-090(1), Aauthorization to conduct  
26 development activities shall terminate five years after the effective date of a  
27 shoreline permit, provided, that local government may authorize a single  
28 extension for a period not to exceed one year based on reasonable factors, if a  
29 request for extension has been filed before the expiration date and notice of the  
30 proposed extension is given to parties of record and the department.  
31

## 32 **16) Post-Decision Procedures and Final Site Plans**

33  
34 **Change Category:** Technical  
35 **Code Citation:** 40.520.060  
36

### 37 **Background:**

38 Like final plats, once a final site plan has been approved post-decision reviews  
39 are not allowed subject to the existing language in 40.520.060(A)(2).  
40

- 41
- 42 2. At any time prior to final site plan or final plat approval, a party to a  
43 decision made under this chapter or their successor in interest may  
44 file with the responsible official an application for post-decision  
45 review of a Type I, II or III decision, describing the nature of the  
46 proposed change to the decision and the basis for that change,  
47 including the applicable facts and law, together with the fee  
48 prescribed for that application by the board.

1  
2  
3 **Proposed Change:**

4 This proposed change adds “final site plans” to the exceptions for post-decision  
5 reviews to provide consistency between the two sections.

6 40.520.060(A)

7 A. Generally.

- 8 1. Except for final plats and final site plans, post-decision procedures  
9 may change decisions without necessarily subjecting the change to  
10 the same procedure as the original decision. Such changes may  
11 be warranted by ambiguities or conflicts in a decision and by new or  
12 more detailed information, permits or laws.  
13

14 **17) Maximum Lot Size Exemption**

15  
16 **Change Category:** Refinement

17 **Code Citation:** 40.220.010(C)(2)  
18

19 **Background:**

20 This section states:

21  
22 *An exception to the maximum average lot size may be granted for a short*  
23 *plat creating lots for an existing residence(s). The resulting plat shall contain*  
24 *a plat note specifying that this exception may not be used for any further*  
25 *divisions of the subject lots.*  
26

27 This section has had various interpretations in the past that include:

- 28
- 29 • The exemption applied to only a two lot short plat creating a lot for an  
30 existing residence,  
31
  - 32 • All the lots within the “short plat” were exempt from the maximum average  
33 lot size,  
34
  - 35 • The exemption applies to the “lots for an existing residence(s)” and any  
36 other lots with the short plat need to comply with the maximum average lot  
37 size.  
38

39 This last interpretation was made into a Management Decision (MD-DS1024)  
40 that staff is recommending be codified  
41

42 **Proposed Change:**

43 CCC 40.220.010(C)(2)

44 An exception to the maximum average lot size may be granted for a short plat  
45 creating lot(s) for an existing residence(s) and one remainder lot. All lots created  
46 by further dividing the remainder lot shall meet the maximum average lot size of  
47 the respective zone. The lot(s) containing the dwelling(s) shall not be calculated

1        in the average. The resulting plat shall contain a plat note specifying that this  
2        exception may not be used for any further divisions of the subject lots.

## 4        **18) Density Transfer**

5        **Change Category:** Refinement

6        **Code Citation:** 40.220.010(C)(5)(b)

### 9        **Background:**

10       This code section lists several encumbrances of land that are eligible for density  
11       transfer and then lists “other permanent physical development limitations” as  
12       another eligibility. The question was, “What are other permanent physical  
13       development limitations”? In the past, applicants have attempted to use  
14       Bonneville Power easements for which they already received financial  
15       compensation and voluntarily “limited” their ability to develop. Staff also had  
16       applicants attempt to use their required stormwater facility for density transfer.  
17       However, at the direction of the Board, staff has allowed regional stormwater  
18       facilities to be utilized for density transfer.

### 20       **Proposed Changes:**

21       Staff recommends language is added to allow regional stormwater facilities to be  
22       used for density transfer and to clarify that easements for utility transmission  
23       lines do not qualify for density transfer.

24         
25       CCC 40.220.010(C)(5)(b)

26       “The density for property developed in single-family zone districts, if encumbered  
27       by land identified as sensitive due to the presence of steep slopes, unstable land,  
28       historical or archaeological sites, wetlands and buffers, regional stormwater  
29       facilities, or other permanent physical development limitations as may be  
30       determined by the responsible official or land voluntarily set aside for open space  
31       or commons as approved by the responsible official, from the gross acreage may  
32       be transferred to the remaining unencumbered land areas on the same  
33       development site, subject to the following limitations:

34         
35       (1) Easements established for utility transmission lines such as Bonneville  
36       Power Administration (BPA), PacifiCorp a.k.a. Pacific Power (Formally known as  
37       PP&L), Clark Public Utilities, and NW Natural can not be utilized for density  
38       transfer.

39         
40       ~~(4)~~(2) Maximum Number. The maximum number of units which can be  
41       transferred is limited to the number of whole units (fractions of units shall be  
42       rounded down) which would have been allowed on the unbuildable area if not for  
43       the above encumbrances; provided, however, the maximum number of units  
44       shall be calculated based on the gross area of the site minus any public road  
45       right-of-way and the maximum density allowed will be dependent upon site  
46       characteristics and other factors.

1       ~~(2)~~(3) The minimum lot depth of any lot abutting environmentally sensitive lands  
2 shall be fifty-five feet.

3  
4       ~~(3)~~(4) For parent parcels larger than 2.5 acres:

5           (a)     The resulting lots which abut R1-5, R1-6, R1-7.5, R1-10 or  
6                   R1-20 zones shall:

7                   (i)     Be at least ninety percent (90%) of the minimum lot area  
8                           standard for the subject parcel;

9                   (ii)    Have a lot depth of not less than eighty percent (80%) of the  
10                           minimum lot depth of the subject parcel;

11                   (iii)   Have a minimum lot width not less than ten (10) feet  
12                           from the minimum lot width of the subject parcel.

13           (b)     The resulting lots which are interior (not a part of the parent parcel  
14                   abutting an adjacent property line) to the site shall  
15                           conform to the lot requirements set out in Table 40.220.010-4.

16  
17       ~~(4)~~(5) For parent parcels 2.5 acres or less, the lots to be created shall conform to  
18 the lot requirements in Table 40.220.010-4.

19  
20       ~~(5)~~(6) This density transfer development provision may not be used in  
21 association with the provisions of Chapter 40.560 or Section 40.260.110.

22  
23       ~~(6)~~(7) A recorded covenant shall be placed on those areas or tracts from which  
24 density is transferred prohibiting any development of the parcel or tract  
25 inconsistent with its intended use.”  
26

## 27   **19) Density Transfer**

28  
29       **Change Category:** Refinement

30       **Code Citation:** 40.220.010(C)(5)(b)(3)

31  
32       This issue relates to the required lot sizes for density transfer developments.  
33       CCC 40.220.010(C)(5)(b)(3) requires lots along the perimeter of a density  
34       transfer development (that “abut” single-family zones) to have at least 90% of the  
35       minimum lot area standard for the base zone. The question came up, “If the  
36       development has single-family zoning across the road do the lots still need to be  
37       90% of the base zone?” This question first surfaced in a development known as  
38       the “Tuscany Subdivision”. Prior to this development, different staff was  
39       interpreting this requirement differently, creating inconsistencies. In the “Tuscany  
40       Subdivision” case, staff required lots in the development that were across the  
41       street from the neighboring residential zone to be at least 90% of the minimum lot  
42       area for the base zone. The hearings examiner agreed and a Management  
43       Decision (MD-DS1019) was made that required these perimeter lots within a  
44       density transfer development to be at least 90% of the minimum lot area for the  
45       base zone. Staff’s confusion with this issue originated with the definitions of  
46       “abutting”, “adjoining”, and “adjacent” in the previous zoning code, Title 18. The  
47       only definition that included across the street was “adjacent”, and “adjoining” was

defined to mean the same as “abutting” and neither included across the street. With the Title 40 project “abutting” and “adjacent” were defined as follows:

*Abutting – “Abutting” means sharing a common boundary line; except that where two (2) or more lots share a common boundary line only at a corner or corners, they shall not be considered as abutting unless the common boundary line between the two (2) parcels measures not less than eight (8) feet in a single direction.*

*Adjoining – “Adjoining” means sharing a common boundary line, including across a public or private right-of-way or easement from the property in question.*

**Proposed Changes:**

Staff recommends that, for this section, “abut” and “abutting” be replaced with “adjoin” and “adjoining” to be consistent with the hearings examiner and Management Decision.

(3)(4) For parent parcels larger than 2.5 acres:

- (a) The resulting lots which ~~abut~~ adjoin R1-5, R1-6, R1-7.5, R1-10 or R1-20 zones shall:
  - (i) Be at least ninety percent (90%) of the minimum lot area standard for the subject parcel;
  - (ii) Have a lot depth of not less than eighty percent (80%) of the minimum lot depth of the subject parcel;
  - (iii) Have a minimum lot width not less than ten (10) feet from the minimum lot width of the subject parcel.
- (b) The resulting lots which are interior (not a part of the parent parcel ~~abutting~~ adjoining an adjacent property line) to the site shall conform to the lot requirements set out in Table 40.220.010-4.

|   |
|---|
| <b>20) Pedestrian Connection – Commercial</b> |
|---|

**Change Category:** Refinement

**Code Citation:** CCC 40.230.010(D)(5)(a)

**Background:**

Currently, this standard requires a larger sidewalk width for facilities connecting street(s) to building(s). The intent of the code is to have a larger sidewalk leading specifically to the primary building entry or entries, not just any portion of the building.

**Proposed Change:**

Due to the possibility for varying interpretations of this section (i.e. 8-feet consisting of sidewalk and landscaping or 8-feet of sidewalk and 3-feet of landscaping), staff recommends the code be replaced to be more specific regarding the requirements of this section.

CCC 40.230.010(D)(5)(a)  
~~Primary pedestrian circulation routes connecting the street(s) to building(s) shall be a minimum of eight (8) feet in width and be landscaped with a minimum of three (3) foot wide area on one side of the walk with suitable tree species planted every twenty four (24) feet to provide for a continuous tree canopy. Buffer strip should also function as a buffer between auto drives and the pedestrian routes.~~

CCC 40.230.010(D)(5)(a)  
“Primary pedestrian circulation routes connecting the street(s) to the primary building entry or entries shall be a minimum of eleven (11) feet (eight (8) feet of sidewalk/walkway with a minimum of three (3) feet of landscaping on one side of the pedestrian route). The three (3) foot landscaped area shall contain suitable tree species planted every twenty-four (24) feet to provide for a continuous tree canopy. The required landscape area should function as a buffer between auto drives and the pedestrian routes. Where the pedestrian circulation route crosses vehicular access ways the landscape area is not required.”

## 21) Building Front

**Change Category:** Refinement  
**Code Citation:** 40.230.010(D)(5)(b)

### **Background:**

This code section requires landscaping along the front of buildings in commercial developments. Staff has interpreted “the front of the building” to be the elevation with the primary pedestrian access. Prior to the Title 40 project, a definition of “Building Front” did not exist. Now this new definition states:

*“Building front” means the street-facing elevation(s) of a building.*

This definition could preclude staff’s ability to require landscaping along the building elevation with the primary pedestrian access, where it was intended.

### **Proposed Change:**

Staff recommends adding language to this code section to clearly identify where the landscaping should be placed.

CCC 40.230.010(D)(5)(b)  
“Landscaping is required along the front side of all buildings where the primary pedestrian access is provided. Minimum requirements shall be trees, of a suitable species according to Section 40.320.010, provide every thirty (30) feet on center planted in a landscaped strip or tree wells along the length of the building.”

## 22) Wetland Permit Application

**Change Category:** Refinement

**Code Citation:** Table 40.450.040(F)(2)(c)

### **Background:**

This change is proposed to help clarify submittal requirements that are vague and ambiguous as they pertain to Wetland Permit applications. Currently this code section asks the applicant to provide the following information:

*The exact sites and specifications for all regulated activities including the amounts and methods;*

The question is always asked, “Methods of what”?

### **Proposed Change:**

Staff proposes that this submittal requirement be replaced with the following:

“Discussion of the exact sites, specifications, and justifications for all proposed regulated activities (per 40.450.010(B)(2)) including the areas (acres), grading volumes (cu. yd. of fill and excavation), and construction methods to be used;”

## 23) Legal Lot Determination – Public Interest Exception

**Change Category:** Refinement

**Code Citation:** 40.520.010(E)(3)

### **Background:**

If a property owner has two legal lots of record and combines those lots together through the Assessor’s office, this code section states the property owner loses their individual legal lot status unless they meet the Public Interest Exception criteria. One of these criteria is, “...that a reduction in appraised value of forty five thousand (\$45,000) per lot merged was not realized”. This criterion is difficult, if not impossible, for staff to establish. In an attempt to evaluate this criterion staff had conversations with members of the Assessor’s office who also found this criterion impossible to assess. From the time this criterion was adopted it has not been implemented.

### **Proposed Change:**

Staff recommends deletion of this criterion which is impossible to evaluate and is not utilized.

CCC 40.520.010(E)(3)

“Parcels which have been appropriately merged by the County Assessor at the request of the property owners for tax purposes shall not retain their status as individual parcels or lots prior to the merger, unless the responsible official finds

1 that the merger was requested without knowledge of the consequences, that a  
2 reduction in appraised value of forty-five thousand dollars (\$45,000) per lot  
3 merged was not realized, and that the lots can be recognized under public  
4 interest exception criteria of Section 40.540.010(C). Adjacent, common  
5 ownership lots of record taxed separately, or parcels merged without owner  
6 consent shall retain any such historical status.”  
7

## 8 **24) Road Modifications**

9  
10 **Change Category:** Refinement

11 **Code Citation:** 40.550.010

### 12 **Background:**

13 These changes are being proposed to clarify language relative to road  
14 modifications. The changes remove criteria that are unclear and undefined, and  
15 provide language to better serve the public interest. Also these changes remove  
16 references to modifications to state routes which the county does not regulate.  
17 Finally, there was a code structure heirarchy error within the section that is  
18 proposed to be corrected.  
19

### 20 **Proposed Changes:**

21 40.550.010 Road Modifications

22 A. Criteria.

- 23 1. Modifications to the standards contained within Chapter 40.350  
24 may be granted in accordance with the procedures set out herein  
25 when any one of the following conditions are met:
  - 26 a. Topography, right-of-way, existing construction or physical  
27 conditions, or other geographic conditions impose an unusual  
28 hardship on the applicant, and an equivalent alternative which  
29 can accomplish the same design purpose is available.
  - 30 b. A minor change to a specification or standard is required to  
31 address a specific design or construction problem which, if not  
32 enacted, will result in an unusual hardship.
  - 33 c. An alternative design is proposed which will provide a plan  
34 equal to or superior to these standards.
  - 35 d. Application of the standards of Chapter 40.350 to the  
36 development would be grossly disproportional to the impacts  
37 created.
- 38 2. In reviewing a modification request, consideration shall be given to  
39 public safety, durability, cost of maintenance, function, appearance,  
40 and other appropriate factors, such as to advance the goals of the  
41 comprehensive plan as a whole. Any modification shall be the  
42 minimum necessary to alleviate the hardship or disproportional  
43 impact. Self-imposed hardships shall not be used as a reason to  
44 grant a modification request.  
45

46  
47 B. Categories. For the purpose of processing, modification requests fall  
48 within the following two categories:



1. Administrative Modification. Administrative modification requests deal with the construction of facilities, rather than their general design, and are limited to the following when deviating from the standard specifications:
- a. Surfacing materials for roads or pedestrian facilities;
  - b. Asphalt and/or base rock thickness less than required;
  - c. Pavement marking layout;
  - d. Exceeding the maximum street grade;
  - e. Type and/or location of signage;
  - f. ~~Channelization;~~
  - ~~f.g.~~ Intersection interior angles and curb radii less than required;
  - ~~g.h.~~ Utilizing the current set of standards in lieu of the standards that were in place when the applicant's proposed project was vested;
  - ~~h.i.~~ Access-related modifications onto collectors and arterials ~~state routes~~; provided, other substantive criteria such as sight distance and limited access points are met; and provided further, that access to a lesser classification of road is not available.
  - ~~i.j.~~ Field changes during construction; and
  - ~~j.k.~~ Similar revisions to the standards.
  - k. Shed section or inverted crown

~~C.~~ 2. Design Modifications. Design modifications deal with the vertical and horizontal geometrics and safety related issues and include the following when deviating from the standard specifications:

- ~~a.1.~~ Reduced sight distances;
- b. Intersection Spacing
- ~~c.2.~~ Vertical alignment;
- ~~d.3.~~ Horizontal alignment;
- ~~e.4.~~ Geometric design (length, width, bulb radius, etc.);
- ~~f.5.~~ Design speed;
- ~~g.6.~~ Crossroads;
- ~~h.7.~~ Access policy;
- ~~i.8.~~ A proposed alternative design which will provide a plan superior to these standards; and
- j.9. All other standards.

C.D. Procedures. A modification request shall be classified as administrative or design by the County Engineer.

1. Administrative Modification. Administrative modifications may be requested at any time by filing a written application with the County Engineer. The application shall include sufficient technical analysis to enable a reasoned decision. The County Engineer shall provide a written decision on the application. No fee is applicable to the administrative modification.

- 1                   2.     Design Modification. Design modifications shall be proposed in  
2                   conjunction with the application for the underlying development  
3                   proposal in accordance with Chapter 40.500. Design modification  
4                   requests shall be processed in conjunction with the underlying  
5                   development proposal; provided, that where the modification  
6                   request is filed subsequent to the decision on the development  
7                   proposal, such request shall be processed in accordance with the  
8                   post-decision review procedures of Section 40.520.060 and subject  
9                   to the fees listed in CCC Title 6. The design modification  
10                  application, to be filed with the responsible official, shall:  
11                  a.     Include a written request stating the reasons for the request  
12                  and the factors which would make approval of the request  
13                  reasonable;  
14                  b.     Be accompanied by a map showing the applicable existing  
15                  conditions and proposed construction such as contours,  
16                  wetlands, significant trees, lakes, streams and rivers,  
17                  utilities, property lines, existing and proposed roads and  
18                  driveways, existing and projected traffic patterns, and any  
19                  unusual or unique conditions not generally found in other  
20                  developments;  
21                  c.     In the case of modification requests based upon alleged  
22                  disproportionality, include an engineering analysis of the  
23                  standard sought to be modified which contrasts relevant  
24                  traffic impacts from the development with the cost of  
25                  complying with the standard; and  
26                  d.     For crossroad and frontage construction and right-of-way  
27                  dedication, shall include information indicating whether there  
28                  are geographic or other factors which render  
29                  connection/completion of the road unlikely.

30  
31     D.E.   Infill Road Modifications. In order to encourage and facilitate infill  
32           development, the following road standards may be considered for  
33           administrative road modification for residential infill developments  
34           pursuant to Section 40.260.110.

- 35           1.     Partial or full frontage improvements, if consistent with existing or  
36           anticipated neighborhood. For purposes of this subsection,  
37           neighborhood roadways shall mean non-arterial and non-collector  
38           roadways providing access to, and located within, 800 feet of the  
39           infill development; and/or  
40           2.     Access spacing, which has been certified by the applicant's traffic  
41           engineer to have if there is no identifiable safety hazard.

42  
43     E.F.   Road Modification for County Projects. County public road improvements,  
44           when varying from the standards of this chapter, are required to meet the  
45           road modification procedures for changes in design; provided that a  
46           county project may include less than the full planned improvement or allow  
47           for staged construction. The submission of construction plan should be  
48           considered as development application.

## 25) Stormwater Fee for Small Residential Projects

**Change Category:** Minor Policy

**Code Citation:** Table 6.110A.010(3)(H), (J) and Table 6.110A.020(2)(I), (K)

**Background:**

Section 40.380.030(A)(8) creates an exemption from preliminary stormwater review for certain small residential projects and infill projects, but does require final stormwater review if stormwater is conveyed off site. This requires staff at the preliminary review stage to determine whether a final stormwater plan is required. The Board amended the fee schedule to provide a fee for infill projects. The proposed change would also include small residential projects.

**Proposed Change:**

Table 6.110A.010(3)(H)(II)

Title Downstream Conveyance and Disposal Report Review (for small residential and infill Pprojects that meet the criteria of 40.380.030(A)(8))

Table 6.110A.010(3)(J)(II)

Title Downstream Conveyance and Disposal Report Review (for small residential and infill Pprojects that meet the criteria of 40.380.030(A)(8))

Table 6.110A.020(2)(I)(II)

Title Downstream Conveyance and Disposal Report Review (for small residential and infill Pprojects that meet the criteria of 40.380.030(A)(8))

Table 6.110A.020(2)(K)(II)

Title Downstream Conveyance and Disposal Report Review (for small residential and infill Pprojects that meet the criteria of 40.380.030(A)(8))

## 26) RV Storage Independent of Mini-Storage

**Change Category:** Minor Policy

**Code Citation:** Table 40.230.010-1(9)(g)

**Background:**

Currently RV storage is listed as an “accessory” use associated with mini-warehouses in the commercial zones. The section states:

*Mini-warehouse with accessory RV storage*

The use is permitted outright in the CL and CH zones but prohibited in all other commercial zones. Strictly interpreting this section would require any mini-warehouse to have RV Storage and it would not allow RV storage unless there was an associated mini-warehouse. Historically, staff has allowed these uses independent of each other and is seeking to separate the uses and codify current practice.

**Proposed Change:**

Table 40.230.010-1(9)(g)

|   | CR-1     | CR-2     | C-2      | C-3      | CL       | CH       |
|---|----------|----------|----------|----------|----------|----------|
| g. Mini-warehouse with accessory RV storage | X        | X        | X        | X        | P        | P        |
| m. RV storage                               | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>P</u> | <u>P</u> |

**27) Class IV-G Single-Family Dwelling Moratoria Waiver**

**Change Category:** Minor Policy

**Code Citation:** Table 40.260.080

**Background:**

Currently there are no penalties associated with County Forest Practice Violations. Recently there have been a few violations of State permits where the landowner has attempted to utilize a county moratorium waiver process to then effect a backdoor conversion. This is contrary to the intent of the county forest practices ordinance. Penalties would at least provide an incentive for the prospective violator to comply with the ordinance rather than simply ignore it, and reduce the conflicts between the ordinance and the backdoor converters.

**Proposed Change:**

D. Single-Family Dwelling Moratoria Waiver

1. Purpose. To authorize the construction of one (1) single-family dwelling unit on a site that is subject to a six- (6) year development moratorium.

2. Request for single-family dwelling moratoria waiver. The responsible official, through a Type I procedure and without additional fee, shall waive the six- (6) year moratorium solely for construction of one (1) single-family residence and related accessory buildings on a building site outside of urban growth boundaries, under the following conditions:

a. The parcel is a legal lot of record;

b. The building site area intended as developed property shall not exceed two (2) acres in size;

c. The construction activity is consistent with Chapters 40.450 (Wetland Protection), 40.440 (Habitat Conservation), 40.430 (Geologic Hazard Areas), and 40.460 (Shoreline Overlay District) including the shoreline management master program;

d. The harvest was conducted under, and consistent with, an approved forest practices permit in compliance with the State Forest Practices Act;

e. A binding written commitment submitted to, and approved by, the county, and recorded by the applicant with the County Auditor, so as to run with the land, which:

(1) Contains a site plan depicting the building site area, any critical areas within the building site area, and access roads,

(2) Commits the applicant to complete the reforestation in accordance with applicable forest practice reforestation requirements at a rate of 300 stems per acre for areas other than the building site area.

f. The development moratorium shall remain in effect for all other non-forestry uses of the site that are subject to county approval.

E. Enforcement. At such time as a violation of this chapter has been determined, enforcement action shall be commenced in accordance with the enforcement provisions of Title 32 of this code, and may also include the following:

1. Applications for county land use permits on sites cleared in violation of this standard shall not be processed until three (3) years after the completion of clearing; provided, that the three (3) years may be reduced upon approval and implementation of a restoration or mitigation plan, to include the following:

a. A reforestation plan for the replanting of trees, brush and groundcover of a type and distribution comparable to that existing prior to clearing; provided, that the responsible official may approve alternative species in order to promote expedient soil stabilization, and may require additional tree planting as mitigation for the loss of mature trees; and

b. A monitoring plan to assure at least a ninety percent (90%) survival rate of re-established plantings after three (3) growing seasons; and

c. Where fish and wildlife habitat areas are cleared in violation of this chapter, a plan to restore habitat functionality, subject to the review and evaluation of the Washington Department of Fish and Wildlife.

2. In the absence of any mitigation measures approved by the department for sites cleared in violation of this standard, the county may refuse to approve any permit for up to an additional three (3) years.

## **28) Wireless “Array” Definition**

**Change Category:** Minor Policy

**Code Citation:** 40.260.250(C) “Array”

### **Background:**

The adopted definition for array needs to be updated to reflect current industry standards. The current definition of array states:

40.260.250(C) Array

*“Array” means twelve (12) antennas with a flat plate wind loading of not less than four (4) square feet per antenna; a standard antenna mounting structure such as stand-off arms, T-mounts, platforms or other similar structure that is sufficient to hold the antennas; cable ports at the base and at projected antenna levels on the support tower; and sufficient room within or on the support tower for twelve (12) runs of 7/8-inch coaxial cable from the base of the support tower to the antennas.*

With advances in technology, the equipment is smaller and an “array” never contains twelve (12) antennas. The proposed definition would also allow for

changes in the wireless technology without necessitating a further change to the code.

**Proposed Change:**

40.260.250.C Array

“Antenna array” means any system of poles, panels, rods, discs or similar devices used for the transmission or reception of radio frequency signals. An antenna array can be made up of one or more antennas including but not limited to the following:

(A) Directional antennas (also known as panel antenna) which transmit signals in a directional pattern of less than 360 degrees;

(B) Omni-directional antennas (also known as a whip antenna) which transmit signals in a 360-degree pattern; or

(C) Parabolic antennas (also known as a dish antenna) which are bowl shaped devices that receive and transmit signals in a specific directional pattern (e.g. point to point).

|                             |
|-----------------------------|
| <b>29) Landscape Matrix</b> |
|-----------------------------|

**Change Category:** Minor Policy

**Code Citation:** Table 40.320.010-1 Landscaping Standards

**Background:**

The buffer between commercial properties and abutting residential properties is problematic. This table requires an L4 landscaping standard in 15 ft buffer or a L5 landscaping standard in a 10 ft buffer. The L4 standard consists of a high-wall in addition to trees and plants. The L5 standard consists of a berm up to 6 feet with trees and either shrubs or a fence on top. The problem with these standards and the buffer widths is that it may be difficult to fit a 6-foot berm in a 10 ft buffer. Furthermore, in 40.320.010(B)(5)(a), the stated intent of the L5 standard is that it can be used instead of the L4 where more space is available for separation between uses. The issue of fitting a required berm into the buffer space for industrial zones adjacent to single-family and multi-family zones is not as critical. However, the buffer widths should be changed as well to be consistent with the stated intent.

**Proposed Change:**

The suggested change is to reverse the buffer requirements so the L4 standard is in the smaller buffer and the L5 standard is in the larger buffer.



### 30) Sediment Removal from Roadways for Small Parcel Development

**Change Category:** Minor Policy

**Code Citation:** 40.380.050(A)

**Background:**

The current erosion control ordinance does not contain a requirement for sediment removal from the roadways under the Small Parcel Development section. The removal of this requirement was an oversight during the stormwater code rewrite in 1999.

Small Parcel Development applies to sites under an acre, which are mostly single family residences. During the building phase tracking of sediment onto the roadway is probably the number one violation. Tracking certainly has the potential to be a large impact to storm systems and impact water quality. At present we have no code for enforcement.

**Proposed Change:**

Staff proposes to add the following found under the Large Parcel Development to the Small Parcel Development in 40.380.050(A)

5. Sediment Removal from Roadways. If sediment is transported onto a road surface, the roads shall be cleaned thoroughly at the end of the work day, or more often if necessary. Significant soil deposits shall be removed from roads by shoveling or sweeping. Street washing, which must be approved by the responsible official, shall be allowed only after sediment is removed in this manner. Prior to washing, all inlets and down-stream facilities must be protected.

### 31) CARA

**Change Category:** Minor Policy

**Code Citation:** 40.410.020(C)

**Background:**

Currently high-impact land uses that are prohibited within Category I CARA areas, due to their potential adverse effects on groundwater, are permitted outright in Category II CARA areas. In order to still allow these uses within a Category II area, but review the potential impacts on groundwater, staff is requesting the ability to review these high-impact uses.

**Proposed Change:**

40.410.020(C)

“Prohibited activities in Category I. The following activities are considered high-impact uses due to the probability and/or potential magnitude of their adverse effects on groundwater and shall be prohibited within Category I. These activities are permitted in Category II but require a CARA permit...”



### 32) Parcel Area on Final Plats

**Change Category:** Minor Policy

**Code Citation:** 40.540.070(B)(3)(a)

**Background:**

This issue came from the Department of Assessment & GIS as well as the surveyor's office. Providing the parcel area for lots on the final plat will assist the Assessor's office to more accurately assess value for lots. It will eliminate the discretion of not having an accurate lot size which could lead to over-taxation or under-taxation. In addition, it will also provide the necessary information for staff to conclude that the minimum lot sizes have been met.

**Proposed Change:**

Staff recommends the following language be added to the final plat requirements of 40.540.070(B)(3)(a):

(15) Parcel areas of lots expressed in square footage for developments in the urban area and acreage for developments in the rural area

### 33) Update of Steep Slopes and Landslide Hazard Map

**Proposed Change:**

Update steep slopes and landslide hazard map to reflect new information obtained through LIDAR technology.